

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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KEVIN NARDI,

Plaintiff,

VS.

SAFARILAND, LLC,

Defendant.

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C.A. No.

**NOTICE OF REMOVAL**

**TO: The Chief Judge and Judges of the United States District Court for the District of Massachusetts**

Defendant Safariland, LLC (“Safariland”) files this Notice of Removal of the captioned action from the Plymouth Superior Court, Commonwealth of Massachusetts, to the United States District Court for the District of Massachusetts pursuant to 28 U.S.C. § 1446. In support of its Notice of Removal, Safariland states:

1. On May 29, 2019, Safariland received notice of the plaintiff’s Summons (attached as Exhibit A) and Complaint (attached as Exhibit B) via service through C T Corporation System.
2. The plaintiff filed the Complaint in Plymouth Superior Court on or about March 13, 2019. *See* Plaintiff’s Civil Action Cover Sheet (attached as Exhibit C).
3. Plaintiff Kevin Nardi avers that he is a resident of Middleboro, Plymouth County, Massachusetts and therefore is a citizen of Massachusetts. *See* Exhibit B, ¶ 1.
4. Defendant Safariland, LLC is a Delaware limited liability company with its principal place of business in Jacksonville, Florida. *See id.* at ¶ 2.

5. Safariland's sole member is Maui Acquisition Corp. Maui Acquisition Corp. is a Delaware corporation with its principal place of business in Jacksonville, Florida. *See Pramco, LLC ex rel. CFSC Consortium, LLC v. San Juan Bay Marina, Inc.*, 435 F.3d 51, 54–55 (1st Cir. 2006) (“ . . . [T]he citizenship of a limited liability company is determined by the citizenship of all of its members.”).
6. Federal jurisdiction exists pursuant to 28 U.S.C. § 1332 because there is complete diversity of citizenship between the plaintiff and the defendant and the amount in controversy, exclusive of interest and costs, exceeds \$75,000. The action is removable pursuant to 28 U.S.C. § 1441(b) because neither Safariland nor its sole member is a citizen of Massachusetts.
7. The amount in controversy exceeds \$75,000, exclusive of interests and costs, because the plaintiff provided a Statement of Damages pursuant to G.L. c. 212, § 3A with his Civil Action Cover Sheet asserting that he has over \$50,000 in hospital expenses alone. *See Exhibit C*. In addition to the more than \$50,000 in hospital expenses the plaintiff claims to have incurred, he avers that his injuries are “severe and permanent,” he “will require additional future care,” he “has lost time from work,” and “[h]is quality of life has been adversely affected.” *See Exhibit B*, ¶¶ 9, 12.
8. Given the identified special damages, combined with the averments of additional unspecified special damages and physical and emotional pain and suffering, there is a reasonable probability that the amount in controversy exceeds \$75,000. *See Laughlin Kennel Co. v. Gatehouse Media, Inc.*, 202 F. Supp. 3d 178, 179–80 (D.

Mass. 2016) (“In a case based in diversity jurisdiction, the defendant must show a ‘reasonable probability’ that the amount in controversy is greater than \$75,000.”).

9. This Notice of Removal has been filed within thirty (30) days of the defendant receiving notice of the Summons and Complaint.
10. Safariland is the only defendant and thus consents to this Notice of Removal.
11. Copies of all process, pleadings and orders received by the removing defendants are attached hereto as Exhibits A–C. Pursuant to LR, D. Mass. 81.1, the removing defendants will file with this Court, within 28 days of the filing of this Notice of Removal, certified or attested copies of all records and proceedings in the state court and a certified or attested copy of all docket entries in the state court.
12. A stamped copy of this Notice of Removal will be promptly filed with the clerk of the Plymouth Superior Court and served on the plaintiff pursuant to 28 U.S.C. § 1446(d). A copy of the Notice of Removal to the Plymouth Superior Court (without attachments) to be filed and served is attached as Exhibit D.
13. The Civil Action Cover Sheet is attached as Exhibit E.

WHEREFORE, defendant Safariland, LLC requests removal of the captioned action from the Plymouth Superior Court, Commonwealth of Massachusetts, to the United States District Court for the District of Massachusetts.

Dated: June 12, 2019

**SAFARILAND, LLC**

By its Attorneys,

CAMPBELL CONROY & O'NEIL, P.C.

*/s/ Jacob J. Lantry*

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**CERTIFICATE OF SERVICE**

On June 12, 2019, I, Jacob J. Lantry, filed electronically and served by mail on anyone unable to accept electronic filing the foregoing document. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

James A. Swartz, Esq.

Alan L. Cantor, Esq.

Swartz & Swartz, PC

10 Marshall Street

Boston, MA 02108

*/s/ Jacob J. Lantry*\_\_\_\_\_

Jacob J. Lantry